

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

UTILITY  
PATENT APPLICATION  
TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No.		12349/1
Inventor	Christopher Rutledge et al	
Title	METHOD AND APPARATUS FOR DYNAMIC BANDWIDTH CONTROL IN A BROADCAST OPTICAL COMMUNICATIONS NETWORK	
Express Mail Label No.		

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)

2.  Applicant claims small entity status.  
See 37 CFR 1.27.

3.  Specification [Total Pages 49]  
(preferred arrangement set forth below)  
- Descriptive title of the Invention  
- Cross Reference to Related Applications  
- Statement Regarding Fed sponsored R & D  
- Reference to sequence listing, a table, or a computer program listing appendix  
- Background of the Invention  
- Brief Summary of the Invention  
- Brief Description of the Drawings (if filed)  
- Detailed Description  
- Claim(s)  
- Abstract of the Disclosure

4.  Drawing(s) (35 U.S.C. 113) [Total Sheets 16]

5. Oath or Declaration [Total Pages 4]  
a.  Newly executed (original or copy)  
b.  Copy from a prior application (37 CFR 1.63 (d))  
(for a continuation/divisional with Box 18 completed)  
i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

6.  Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:  
Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)  
a.  Computer Readable Form (CRF)  
b. Specification Sequence Listing on:  
i.  CD-ROM or CD-R (2 copies); or  
ii.  paper  
c.  Statements verifying identity of above copies

## ACCOMPANYING APPLICATIONS PARTS

9.  Assignment Papers (cover sheet & document(s))  
10.  37 C.F.R. §3.73(b) Statement  Power of Attorney  
11.  English Translation Document (if applicable)  
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations  
13.  Preliminary Amendment  
14.  Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)  
15.  Certified Copy of Priority Document(s)  
(if foreign priority is claimed)  
16.  Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.  
17.  Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation  Divisional  Continuation-in-part (CIP) of prior application No /

Prior application information: Examiner Group / Art Unit:

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 17. CORRESPONDENCE ADDRESS

23838

or  Correspondence address below Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	

Name (Print/Type)	Clint Gerdine	Registration No. (Attorney/Agent)	41,035
Signature	Clint Gerdine		Date

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231 400889v1

J1046 U.S. PTO  
10/084991

03/01/02

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2000

Patent fees are subject to annual revision

TOTAL AMOUNT OF PAYMENT (\$ 908.00)

Complete if Known	
Application Number	Unassigned
Filing Date	March 1, 2002
First Named Inventor	Christopher Rutledge et al
Examiner Name	Unassigned
Group / Art Unit	Unassigned
Attorney Docket No	12349/1

METHOD OF PAYMENT (check one)					FEE CALCULATION (continued)																																																																																																																																																																																																																																																																																																																																																											
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number <input type="text" value="11-0600"/></p> <p>Deposit Account Name <input type="text" value="Kenyon &amp; Kenyon"/></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27</p>					<p><b>3. ADDITIONAL FEES</b></p> <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee (\$)</th> <th>Fee (\$)</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>65</td><td>Surcharge - late filing fee or oath</td><td><input type="text"/></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td><input type="text"/></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>130</td><td>Non-English specification</td><td><input type="text"/></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>2,520</td><td>For filing a request for reexamination</td><td><input type="text"/></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td><input type="text"/></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td><input type="text"/></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>55</td><td>Extension for reply within first month</td><td><input type="text"/></td></tr> <tr><td>116</td><td>380</td><td>216</td><td>190</td><td>190</td><td>Extension for reply within second month</td><td><input type="text"/></td></tr> <tr><td>117</td><td>870</td><td>217</td><td>435</td><td>435</td><td>Extension for reply within third month</td><td><input type="text"/></td></tr> <tr><td>118</td><td>1,360</td><td>218</td><td>680</td><td>680</td><td>Extension for reply within fourth month</td><td><input type="text"/></td></tr> <tr><td>128</td><td>1,850</td><td>228</td><td>925</td><td>925</td><td>Extension for reply within fifth month</td><td><input type="text"/></td></tr> <tr><td>119</td><td>300</td><td>219</td><td>150</td><td>150</td><td>Notice of Appeal</td><td><input type="text"/></td></tr> <tr><td>120</td><td>300</td><td>220</td><td>150</td><td>150</td><td>Filing a brief in support of an appeal</td><td><input type="text"/></td></tr> <tr><td>121</td><td>260</td><td>221</td><td>130</td><td>130</td><td>Request for oral hearing</td><td><input type="text"/></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td><input type="text"/></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>55</td><td>Petition to revive - unavoidable</td><td><input type="text"/></td></tr> <tr><td>141</td><td>1,210</td><td>241</td><td>605</td><td>605</td><td>Petition to revive - unintentional</td><td><input type="text"/></td></tr> <tr><td>142</td><td>1,210</td><td>242</td><td>605</td><td>605</td><td>Utility issue fee (or reissue)</td><td><input type="text"/></td></tr> <tr><td>143</td><td>430</td><td>243</td><td>215</td><td>215</td><td>Design issue fee</td><td><input type="text"/></td></tr> <tr><td>144</td><td>580</td><td>244</td><td>290</td><td>290</td><td>Plant issue fee</td><td><input type="text"/></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>130</td><td>Petitions to the Commissioner</td><td><input type="text"/></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>50</td><td>Petitions related to provisional applications</td><td><input type="text"/></td></tr> <tr><td>126</td><td>240</td><td>126</td><td>240</td><td>240</td><td>Submission of Information Disclosure Stmt</td><td><input type="text"/></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td><input type="text"/></td></tr> <tr><td>146</td><td>690</td><td>246</td><td>345</td><td>345</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td><input type="text"/></td></tr> <tr><td>149</td><td>690</td><td>249</td><td>345</td><td>345</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td><input type="text"/></td></tr> <tr><td>179</td><td>690</td><td>279</td><td>345</td><td>345</td><td>Request for Continued Examination (RCE)</td><td><input type="text"/></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>900</td><td>Request for expedited examination of a design application</td><td><input type="text"/></td></tr> <tr> <td colspan="5">SUBTOTAL (1) <input type="text" value="(\$ 740)"/></td> <td colspan="5">SUBTOTAL (3) <input type="text" value="(\$ 0)"/></td> </tr> <tr> <td colspan="5">2. EXTRA CLAIM FEES</td> <td colspan="5"></td> </tr> <tr> <td>Total Claims</td> <td><input type="text" value="37"/></td> <td>-20**</td> <td>= <input type="text" value="17"/></td> <td>Extra Claims</td> <td><input type="text" value="X 18"/></td> <td>Fee from below</td> <td><input type="text" value="306"/></td> <td>Fee Paid</td> <td></td> </tr> <tr> <td>Independent Claims</td> <td><input type="text" value="5"/></td> <td>-3**</td> <td>= <input type="text" value="2"/></td> <td></td> <td><input type="text" value="X 84"/></td> <td></td> <td><input type="text" value="168"/></td> <td>Fee Paid</td> <td></td> </tr> <tr> <td>Multiple Dependent</td> <td></td> <td></td> <td></td> <td></td> <td><input type="text" value="X _____"/></td> <td></td> <td><input type="text" value="_____"/></td> <td>Fee Paid</td> <td></td> </tr> <tr> <td colspan="10">**or number previously paid, if greater. For Reissues, see below</td> </tr> <tr> <td colspan="10">Large Entity Small Entity</td> </tr> <tr> <td>Fee Code</td> <td>Fee (\$)</td> <td>Fee Code</td> <td>Fee (\$)</td> <td>Fee Description</td> <td colspan="5"></td> </tr> <tr> <td>103</td> <td>18</td> <td>203</td> <td>9</td> <td>Claims in excess of 20</td> <td colspan="5"></td> </tr> <tr> <td>102</td> <td>78</td> <td>202</td> <td>39</td> <td>Independent claims in excess of 3</td> <td colspan="5"></td> </tr> <tr> <td>104</td> <td>260</td> <td>204</td> <td>130</td> <td>Multiple dependent claim, if not paid</td> <td colspan="5"></td> </tr> <tr> <td>109</td> <td>78</td> <td>209</td> <td>39</td> <td>** Reissue independent claims over original patent</td> <td colspan="5"></td> </tr> <tr> <td>110</td> <td>18</td> <td>210</td> <td>9</td> <td>** Reissue claims in excess of 20 and over original patent</td> <td colspan="5"></td> </tr> <tr> <td colspan="5">SUBTOTAL (2) <input type="text" value="(\$ 168)"/></td> <td colspan="5">SUBTOTAL (3) <input type="text" value="(\$ 0)"/></td> </tr> </tbody> </table>					Large Entity	Small Entity	Fee (\$)	Fee (\$)	Fee (\$)	Fee Description	Fee Paid	105	130	205	65	65	Surcharge - late filing fee or oath	<input type="text"/>	127	50	227	25	25	Surcharge - late provisional filing fee or cover sheet	<input type="text"/>	139	130	139	130	130	Non-English specification	<input type="text"/>	147	2,520	147	2,520	2,520	For filing a request for reexamination	<input type="text"/>	112	920*	112	920*	920*	Requesting publication of SIR prior to Examiner action	<input type="text"/>	113	1,840*	113	1,840*	1,840*	Requesting publication of SIR after Examiner action	<input type="text"/>	115	110	215	55	55	Extension for reply within first month	<input type="text"/>	116	380	216	190	190	Extension for reply within second month	<input type="text"/>	117	870	217	435	435	Extension for reply within third month	<input type="text"/>	118	1,360	218	680	680	Extension for reply within fourth month	<input type="text"/>	128	1,850	228	925	925	Extension for reply within fifth month	<input type="text"/>	119	300	219	150	150	Notice of Appeal	<input type="text"/>	120	300	220	150	150	Filing a brief in support of an appeal	<input type="text"/>	121	260	221	130	130	Request for oral hearing	<input type="text"/>	138	1,510	138	1,510	1,510	Petition to institute a public use proceeding	<input type="text"/>	140	110	240	55	55	Petition to revive - unavoidable	<input type="text"/>	141	1,210	241	605	605	Petition to revive - unintentional	<input type="text"/>	142	1,210	242	605	605	Utility issue fee (or reissue)	<input type="text"/>	143	430	243	215	215	Design issue fee	<input type="text"/>	144	580	244	290	290	Plant issue fee	<input type="text"/>	122	130	122	130	130	Petitions to the Commissioner	<input type="text"/>	123	50	123	50	50	Petitions related to provisional applications	<input type="text"/>	126	240	126	240	240	Submission of Information Disclosure Stmt	<input type="text"/>	581	40	581	40	40	Recording each patent assignment per property (times number of properties)	<input type="text"/>	146	690	246	345	345	Filing a submission after final rejection (37 CFR § 1.129(a))	<input type="text"/>	149	690	249	345	345	For each additional invention to be examined (37 CFR § 1.129(b))	<input type="text"/>	179	690	279	345	345	Request for Continued Examination (RCE)	<input type="text"/>	169	900	169	900	900	Request for expedited examination of a design application	<input type="text"/>	SUBTOTAL (1) <input type="text" value="(\$ 740)"/>					SUBTOTAL (3) <input type="text" value="(\$ 0)"/>					2. EXTRA CLAIM FEES										Total Claims	<input type="text" value="37"/>	-20**	= <input type="text" value="17"/>	Extra Claims	<input type="text" value="X 18"/>	Fee from below	<input type="text" value="306"/>	Fee Paid		Independent Claims	<input type="text" value="5"/>	-3**	= <input type="text" value="2"/>		<input type="text" value="X 84"/>		<input type="text" value="168"/>	Fee Paid		Multiple Dependent					<input type="text" value="X _____"/>		<input type="text" value="_____"/>	Fee Paid		**or number previously paid, if greater. For Reissues, see below										Large Entity Small Entity										Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description						103	18	203	9	Claims in excess of 20						102	78	202	39	Independent claims in excess of 3						104	260	204	130	Multiple dependent claim, if not paid						109	78	209	39	** Reissue independent claims over original patent						110	18	210	9	** Reissue claims in excess of 20 and over original patent						SUBTOTAL (2) <input type="text" value="(\$ 168)"/>					SUBTOTAL (3) <input type="text" value="(\$ 0)"/>				
Large Entity	Small Entity	Fee (\$)	Fee (\$)	Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																																																																																																																																																																																										
105	130	205	65	65	Surcharge - late filing fee or oath	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
127	50	227	25	25	Surcharge - late provisional filing fee or cover sheet	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
139	130	139	130	130	Non-English specification	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
147	2,520	147	2,520	2,520	For filing a request for reexamination	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
112	920*	112	920*	920*	Requesting publication of SIR prior to Examiner action	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
113	1,840*	113	1,840*	1,840*	Requesting publication of SIR after Examiner action	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
115	110	215	55	55	Extension for reply within first month	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
116	380	216	190	190	Extension for reply within second month	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
117	870	217	435	435	Extension for reply within third month	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
118	1,360	218	680	680	Extension for reply within fourth month	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
128	1,850	228	925	925	Extension for reply within fifth month	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
119	300	219	150	150	Notice of Appeal	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
120	300	220	150	150	Filing a brief in support of an appeal	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
121	260	221	130	130	Request for oral hearing	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
138	1,510	138	1,510	1,510	Petition to institute a public use proceeding	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
140	110	240	55	55	Petition to revive - unavoidable	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
141	1,210	241	605	605	Petition to revive - unintentional	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
142	1,210	242	605	605	Utility issue fee (or reissue)	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
143	430	243	215	215	Design issue fee	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
144	580	244	290	290	Plant issue fee	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
122	130	122	130	130	Petitions to the Commissioner	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
123	50	123	50	50	Petitions related to provisional applications	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
126	240	126	240	240	Submission of Information Disclosure Stmt	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
581	40	581	40	40	Recording each patent assignment per property (times number of properties)	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
146	690	246	345	345	Filing a submission after final rejection (37 CFR § 1.129(a))	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
149	690	249	345	345	For each additional invention to be examined (37 CFR § 1.129(b))	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
179	690	279	345	345	Request for Continued Examination (RCE)	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
169	900	169	900	900	Request for expedited examination of a design application	<input type="text"/>																																																																																																																																																																																																																																																																																																																																																										
SUBTOTAL (1) <input type="text" value="(\$ 740)"/>					SUBTOTAL (3) <input type="text" value="(\$ 0)"/>																																																																																																																																																																																																																																																																																																																																																											
2. EXTRA CLAIM FEES																																																																																																																																																																																																																																																																																																																																																																
Total Claims	<input type="text" value="37"/>	-20**	= <input type="text" value="17"/>	Extra Claims	<input type="text" value="X 18"/>	Fee from below	<input type="text" value="306"/>	Fee Paid																																																																																																																																																																																																																																																																																																																																																								
Independent Claims	<input type="text" value="5"/>	-3**	= <input type="text" value="2"/>		<input type="text" value="X 84"/>		<input type="text" value="168"/>	Fee Paid																																																																																																																																																																																																																																																																																																																																																								
Multiple Dependent					<input type="text" value="X _____"/>		<input type="text" value="_____"/>	Fee Paid																																																																																																																																																																																																																																																																																																																																																								
**or number previously paid, if greater. For Reissues, see below																																																																																																																																																																																																																																																																																																																																																																
Large Entity Small Entity																																																																																																																																																																																																																																																																																																																																																																
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description																																																																																																																																																																																																																																																																																																																																																												
103	18	203	9	Claims in excess of 20																																																																																																																																																																																																																																																																																																																																																												
102	78	202	39	Independent claims in excess of 3																																																																																																																																																																																																																																																																																																																																																												
104	260	204	130	Multiple dependent claim, if not paid																																																																																																																																																																																																																																																																																																																																																												
109	78	209	39	** Reissue independent claims over original patent																																																																																																																																																																																																																																																																																																																																																												
110	18	210	9	** Reissue claims in excess of 20 and over original patent																																																																																																																																																																																																																																																																																																																																																												
SUBTOTAL (2) <input type="text" value="(\$ 168)"/>					SUBTOTAL (3) <input type="text" value="(\$ 0)"/>																																																																																																																																																																																																																																																																																																																																																											

SUBMITTED BY		Complete (if applicable)				
Name (Print/Type)	Clint Gerdine	Registration No. Attorney/Agent	41,035	Telephone	(202) 220-4200	
Signature	<i>Clint Gerdine</i>				Date	March 1, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Assistant Commissioner for Patents, Washington, DC 20231